

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIAH LOPEZ,

Plaintiff,

-against-

THE NEW YORK CITY DEPARTMENT OF
HOMELESS SERVICES, et al.

Defendants.

Case No. 1:17-cv-03014-MKV-OTW

DECLARATION OF MARIAH LOPEZ

I, Mariah Lopez, declare under penalty of perjury that the following is true and correct:

1. My name is Mariah Lopez and I am the Plaintiff in this case.
2. I am a transgender woman living with disabilities.
3. My disabilities include gender dysphoria, compound post-traumatic stress disorder (PTSD), depression, generalized anxiety disorder, and attention deficit disorder (ADD). My disabilities also require different types of medical accommodations.
4. I am also a native New Yorker, born and raised in New York City (NYC). NYC is one of the only places I have ever lived. It is also my forever home and the place I have permanent roots, as it is where all of my friends, living family members, and community are based.

5. During my 38 years as a NYC resident, I have had numerous bouts of homelessness, going as far back as the 1990's. My bouts with homelessness began in my youth, when my grandmother, who was my caretaker and guardian, died when I was 10 years old. My grandmother had taken care of me since my mother left me with her as an infant. [REDACTED]
6. My homelessness and housing insecurity also persisted into adulthood after I was discharged from the NYC foster care system, as I struggled to find employment opportunities as a transgender person.
7. Because of my recurring experiences with housing insecurity, I have repeatedly sought emergency housing from Defendants and their sister agencies. In my youth, I received housing support for many years from municipal agencies like the Administration of Child and Family Services (ACS). As an adult, I have repeatedly sought emergency housing from Defendants the City of New York, the NYC Human Resources Administration, and the NYC Department of Homeless Services (DHS), including in 2008, 2014, and more recently in 2017.
8. Oftentimes, however, I have faced sex and disability discrimination while trying to access these vital safety net services--discrimination that is so severe, it has forced me back on the streets where life as a transgender woman is especially dangerous.
9. For instance, in 1998, after my grandmother died, the city placed me in foster care [REDACTED]
[REDACTED] I was 12 years old when I first experienced what it was like to be without somewhere safe to call "home."
10. [REDACTED]
[REDACTED]
[REDACTED]
11. At age 13, I was tired of being homeless because of the persistent safety issues I faced, and because I was different. Once it got cold outside, I returned to my assigned foster care placement, only to have my jaw broken by another youth.
12. In 2001, [REDACTED]
[REDACTED]. I confided in adults in my life outside the group home and the staff member was fired soon thereafter, when other residents came forward with similar experiences.
13. During that time, [REDACTED] was forced to sleep in hotels, in public places like Pier 45 in NYC, and on my friends' couches or their floors.

14. My experiences being homeless, transgender, and disabled in NYC have shaped my life: I have survived domestic and intimate partner violence from people who tried to take advantage of my unfortunate circumstances. I am a survivor of sex trafficking. I survived criminal stalking that almost became deadly. I also became progressively more disabled, as my trauma and bad memories began to build on one another. The anxiety of being homeless and on the literal street, got worse and worse. I had nightmares, panic attacks and flashbacks daily.
15. Around 2015, I was looking to change my life [REDACTED] so I moved [REDACTED] to stay near Transgender people I knew, and to try and find affordable housing. I earned my GED and started community college, but had to return to NYC after the first semester.
16. After I moved back to NYC in 2016, I found it nearly impossible to secure housing. No matter how much I budgeted, it was hard to cover my monthly expenses, including food. I started staying with my Aunt [REDACTED] [REDACTED]. There, I experienced more abuse and stalking. [REDACTED]
[REDACTED]
[REDACTED]
17. Although it's difficult to imagine, soon things became even worse because my Aunt started dying. [REDACTED]
[REDACTED] I spent the winter holidays with my Aunt but by early January, it was clear that she only had weeks to live. She died on March 3rd, 2017, so I became homeless again and sought DHS services.
18. In April 2017, Defendants refused to provide me a safe or accessible shelter placement. I experienced a horrific series of abuses--including sexual harassment, disability discrimination, and sex discrimination because of my gender--while in Defendants' shelters. When I complained, I was subjected to retaliation and involuntary transfers--actions that ultimately forced me back into street homelessness.
19. Because of Defendants, I faced a prolonged period of homelessness in NYC beginning in May 2017, that lasted for nearly two years. I was homeless, squatting, couch surfing, and engaging in survival sex work and never knew where I would sleep night to night. Because I was unable to rely on Defendants for emergency housing support, I was repeatedly exposed to violence. [REDACTED]
[REDACTED]
[REDACTED]. I also worried about the safety and well-being of my service dog Chica, who was homeless and struggling to survive right alongside me. I was besieged by depression, anxiety, suicidal feelings, and worsening PTSD.

20. In late 2019, I was offered a life-changing opportunity to join the NY State AIDS Institute, a branch of the State Department of Health (DOH) [REDACTED]. [REDACTED] I took steps to relocate, but right before the job started, the pandemic began and the opportunity vanished as all personnel—including my supervisor—were reallocated to addressing the pandemic.
21. During the first week in March 2020, right after the job opportunity fell through, and with no other prospects during a global pandemic, my resources became very strained. To make matters worse, on March 3, 2020, the place I was staying [REDACTED] became a fire hazard and we were ordered to vacate by the Fire Department, so once again my housing became unstable. I wanted to return to NYC immediately because that's where my community, remaining family, and all of my resources were located, but the Covid-19 shutdown forced me to shelter in place for approximately 3 months.
22. However, I returned to NYC again as soon as I was able—beginning in May 2020—even though my housing remained unstable. I couch surfed to remain off the streets. Between June 2020 and November 2021, I was never away from NYC for more than a month at a time, although I do not have a way of determining the precise dates I spent in NYC versus other locations. Because my housing was so unstable, I almost returned to DHS on more than one occasion during that time period.
23. Because I knew there was always a chance that I would have to return to DHS in the future, and that other transgender DHS clients were being mistreated in real time, I tried to use my lawsuit as a vehicle for change. I pushed Defendants to issue new anti-discrimination policies and training for staff, so that myself and other transgender people would not be subjected to the same cruel forms of mistreatment over and over. I also demanded that Defendants give me monetary compensation for the injuries I had already suffered because of them.
24. Though my requests all felt reasonable, Defendants fought me every step of the way. Things were so bitter and contentious, Hon. Magistrate Judge Wang was repeatedly called to mediate our disputes, including during our back-to-back days in Court. But eventually, in November 2021, our settlement negotiations were successful.
25. I'm honestly surprised that we have a settlement agreement today, since Defendants fought me tooth and nail about everything, never admitted they were wrong, and are still fighting my lawyers' requests for fees.
26. Today, thanks to the settlement we reached, I'm no longer homeless or couch surfing between cities. [REDACTED]
[REDACTED]. [REDACTED] it was a very long road to get here: [REDACTED]
[REDACTED], so that's when I was officially able to secure a stable residence.

27. Defendants are also in the process of implementing important reforms that will make DHS shelters safer for gender diverse people going forward, though the progress has been slower than I like, and importantly, slower than what the settlement contemplates.
28. While I'm proud to be an advocate and an agent for change, my visible activism on behalf of transgender people has several downsides. I am a frequent target of harassment. Opponents of my advocacy have used my private and personal information to harass and humiliate me.
29. Because of the threats and harassment I continue to face as a prominent transgender rights activist, my privacy is very important. Very few people know where I live. Keeping this information private is essential to my safety, including as a domestic violence and trafficking survivor, as it prevents people who want to stalk and hurt me from having information they can use to endanger my life again.

Dated: May 11, 2023

Signed,



Mariah Lopez